81-1040

No.

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ALEXANDER L. STEVAS,
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IN THE

Supreme Court of the United States

OCTOBER TERM, 1981

FELIX S. JACOB,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

FELIX S. JACOB,
Suite 200,
One North Charles Street,
Baltimore, Maryland 21201,
In Proper Person.

The Daily Record Co., Baltimore, MD 21202

QUESTIONS PRESENTED

1. Whether the United States Court of Appeals was wrong in not finding this to be a general warrant in light of *Andresen v. Maryland*, 427 U.S. 463 (1976), and *United States v. Burch*, 432 F. Supp. 961 (D. Del. 1977), *aff'd without opinion*, 577 F.2d 729 (3rd Cir. 1978).

2. Whether the government had a right to appeal to the Fourth Circuit, Jacob's consent notwithstanding, since jeopardy had attached at the lower court hearing before Judge Miller as a government witness had testified and the suppression motion was the whole case, thus, subjecting Jacob to double jeopardy, maybe even quadruple jeopardy, in violation of the Fifth Amendment to the United States Constitution. *United States v. Scott*, 98 S. Ct. 2187 (1978).

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Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

The Petitioner respectfully prays that a Writ of Certiorari issue to review the judgment of the United States Court of Appeals for the Fourth Circuit, entered August 10, 1981, and denial of a timely petition for rehearing entered in this proceeding on October 5, 1981.

OPINIONS BELOW

The opinion of the United States Court of Appeals for the Fourth Circuit and the denial of petition for rehearing (No. 81-5049) are appended hereto (Appendix 2a).

JURISDICTION

The judgment of the Court below (App. 2a) was entered on August 10, 1981. A timely petition for rehearing was denied on October 5, 1981 (App. 3a). The jurisdiction of this Court is invoked under 28 U.S.C.A. 1254(1).

CONSTITUTIONAL PROVISIONS

The Fourth Amendment to the Constitution of the United States provides: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search and seizure, shall not be violated, and no warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

The Fifth Amendment to the Constitution of the United States provides: "No person shall be deprived of life, liberty or property without due process of law."

STATUTES INVOLVED

26 U.S.C. § 7206(1) FRAUD AND FALSE STATEMENTS

Any person who—

(1) Declaration under penalties of perjury

"Willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter; or"

18 U.S.C. § 1341 FRAUDS AND SWINDLES

"Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined not more than $1,000 or imprisoned not more than five years, or both."

STATEMENT OF FACTS

In April 26, 1979, Felix S. Jacob was a practicing attorney in Baltimore, Maryland, who had been a member of the Maryland Bar since his graduation from Harvard Law School in 1955, was licensed to practice before the Court of Appeals of Maryland and the Supreme Court of the United States, and had a good rating from Martindale-Hubbard and had never any charge more serious then a speeding ticket. On that evening his office was subject to a raid by seven government agents, with a gun, for over seven hours, based on a warrant that mentioned dealings with Dr. Gluck and payoffs to three insurance adjusters for mail fraud in violation of 18 U.S.C. § 1341. The facts were that Jacob had only had minimum contacts with Dr. Gluck and terminated the relationship in early 1973, there being a five year statute of limitation for mail fraud. In fact, not one penny had been paid to three insurance adjusters and

Jacob had never even seen Dr. Gluck and had instructed everyone in his law offices to break off with him in early 1973.

Jacob subsequently signed an agreement with the government that he would be guilty of one count of making a false statement on a 1975 tax return, in violation of 26 U.S.C. § 7206(1), if the warrant and the search and seizure were deemed to be valid. Jacob gave up other defenses as regarding materiality and sanity. The amount of income tax involved is about $1,000.00. On the other hand, the government has agreed that if the search and seizure of April 26, 1979, is not valid and that all evidence derived from the said search and seizure is not admissible, then Jacob should be acquitted on the charges before this Court.

Under the warrant, the executing officers were authorized to search for and seize:

> ledgers, etc., which show or tend to show evidence of violation of federal criminal law including, *but not limited to,* mail fraud in violation of 18 U.S.C. § 1341 (Emphasis added)

Acting upon the Defendant's motion, the District Court ordered the suppression of all evidence obtained during the April 26, 1979, search. *United States v. Jacob,* 502 F. Supp. 1221 (D. Md. 1980). The basis of the suppression order was the Court's conclusion that the warrant was impermissibly general since, "on its fact, * * * (it) proposed to authorized the search for evidence of any federal crimes as long as the evidence 'relates' to the persons or transactions identified in the warrant," *Id.,* at 1220. Judge Miller noted, initially, that the underlying affidavit, while relevant to the issue of whether probable cause to search existed, cannot be used to cure the deficiencies, if any, in the instant warrant. It is undisputed here that the affidavit was not served with the warrant, and was not available for the use of the executing officer during the

search. Therefore, the Court may not consider the information contained in the affidavit in determining whether the warrant was sufficiently specific. Judge Miller further notes that without a description of the crime or crimes alleged to be involved, there can be no meaningful review of the magistrate's probable cause determination, and the executing officers are left to decide for themselves what may be seized. The Court held on November 28, 1980, that the warrant authorizing the April 26, 1979, search of Defendant's law office was a general warrant, and thus violates the Fourth Amendment and, as such, all fruits of the search must be suppressed.

The United States Court of Appeals for the Fourth Circuit reversed and remanded the case in order that the District Court may consider and determine the issue of the scope of the search.

REASONS FOR GRANTING CERTIORARI

I.

THE *JACOB* DECISION IN THE FOURTH CIRCUIT IS IN CONFLICT WITH THE *BURCH* DECISION IN THE THIRD CIRCUIT REGARDING GENERAL SEARCH WARRANTS.

As Judge Miller points out on page 5, both the Defendant and the government rely on the Supreme Court's opinion in *Andresen v. Maryland*, 427 U.S. 463 (1976). In that case the relevant warrant language was as follows:

> *"Together with other fruits, instrumentalities and evidence of crime at this (time) unknown."* 427 U.S. 480-81 n.10 (Emphasis supplied).

The Defendant in *Andresen* contended that the warrant was rendered "general" by the addition of the above highlighted language because it permitted the search for and seizure of evidence of any crime. In properly rejecting this argument, the Court states that such language had to

be used in conjunction with what preceeded it, and that when so used "the term 'crime' in the warrant refer (ed) only to the crime of false pretense with respect to the sale of Lot 13 T," 427 U.S. at 480-81 (Emphasis supplied).

In the Jacob warrant the executing officers were authorized to examine for evidence of "violation of federal criminal law including, *but not limited to,* mail fraud in violation of 18 U.S.C. § 3141." Paper No. 4, Ex. D. (Emphasis supplied). Thus, the element of specificality as to crimes that were deemed essential in *Andresen* is missing from the warrant at issue in Jacob.

In *United States v. Burch,* 432 F. Supp. 963 (D. Del. 1977), *aff'd without opinion,* 577 F.2d 729 (3rd Cir. 1978), the Court held that a warrant which authorized search of van and Defendant's garage for "automobile tires and a green 1975 Dodge van . . . and other *UNKNOW ARTICLES* (Emphasis supplied) which are believed and reported to be stolen from Penn Central Railroad" was a general warrant repugnant to the Fourth Amendment, since the warrant was not limited to a search for evidences or fruits or any particular crimes but rather, on its face, permitted a search for anything that could have been stolen at any time from Penn Central.

On page 963, the Court stated:

> "Implicit is the Supreme Court's holding was the recognition that, by limiting the search to evidence of a single crime, the warrant gave executing officers a means to distinguish among Andresen's files and documents and to identify those they were authorized to seize. The warrant under consideration here differs in this critical respect: it was not limited to a search for evidence or fruits of any particular crime or crimes. On its face, this warrant permitted a search for anything which could have been stolen at any time from Penn Central in Wilmington. Because of the wide array of goods that are shipped by rail and

which, thus, might fall into this category, the F.B.I. agents might reasonably have concluded that the warrant authorized them to seize virtually anything. The warrant imposed no effective limit on the scope of the search."

II.

AS OF OCTOBER 17, 1981, JACOB HAS FOUND 49 CIRCUIT CASES WHICH HAVE CITED *ANDRESEN*, THUS NECESSITATING A CLARIFICATION.

This huge volume of cases which have gone to the Circuit level since 1976 show a compelling reason for the Court to accept this writ in order to clarify its prior decision and give a clear mandate to all courts.

CONCLUSION

Shakespeare has said: "THE FIRST THING WE DO, WE KILL ALL THE LAWYERS."

Petitioner asks this Court to accept this Writ to further clarify *Andresen* and avoid any appearance of not being a Democratic Society, but being a police state as predicted in the novel "1984" and subjecting Jacob to quadruple jeopardy. When Jacob was in his second year at Harvard Law School in 1953-1954, he took a course in comparison of Soviet and American Law and received a B. Never did he dream that his law office would be subject to a Kremlin type raid by seven agents, armed with a gun, looking for any "evidence of violation of Federal Criminal Law."

Respectfully submitted,

FELIX S. JACOB,
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One North Charles Street,
Baltimore, Maryland 21201,
In Proper Person.

APPENDIX A

Order of the United States District Court for the District of Maryland

Accordingly, it is this 28th day of November, 1980, by the United States District Court for the District of Maryland, ORDERED:

1. Defendant's motion to suppress is GRANTED.

2. The Clerk is instructed to forward a copy of this Memorandum and Order to counsel for the parties.

/s/ James R. Miller, Jr.,
United States District Judge.

APPENDIX B

United States Court of Appeals
for the Fourth Circuit

No. 81-5049

United States of America,

Appellant,

versus

Felix S. Jacob,

Appellee.

Appeal from the United States District Court for the District of Maryland, at Baltimore, James R. Miller, Jr., Judge.

Argued May 4, 1981

Decided August 10, 1981

Before Field, Senior Circuit Judge; Murnaghan, Circuit Judge; and Erwin, District Judge.

Accordingly, the case will be remanded in order that the District Court may consider and determine the issue of the scope of the search. The suppression order is reversed and the case is remanded for further proceedings.

REVERSED AND
REMANDED

APPENDIX C

United States Court of Appeals
for the Fourth Circuit

No. 81-5049

United States of America,

Appellant,

versus

Felix S. Jacob,

Appellee.

ORDER

(Filed October 5, 1981)

IT IS ORDERED that the petition for rehearing is DENIED.

Entered at the direction of Judge Field for a panel consisting of Judge Winter, Judge Field, and Judge Erwin (U.S.D.J.).

FOR THE COURT,

/s/ WILLIAM K. SLATE, II,
Clerk.

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SUPPLEMENTAL APPENDIX

FELIX S. JACOB,
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Respondent.

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United States Court of Appeals
for the Fourth Circuit

No. 81-5049

United States of America,

Appellant,

v.

Felix S. Jacob,

Appellee.

Appeal from the United States District Court for the District of Maryland, at Baltimore. James R. Miller, Jr., District Judge.

Argued: May 4, 1981 *Decided: August 10, 1981*

Before FIELD, Senior Circuit Judge; MURNAGHAN, Circuit Judge; and ERWIN, District Judge.*

Stephen J. Immelt, Assistant United States Attorney (Russell T. Baker, Jr., United States Attorney on brief) for Appellant; Marvin J. Garbis (Stephen C. Struntz, Garbis & Schwait, P.A. on brief) for Appellee.

---

* Honorable Richard C. Erwin, Middle District of North Carolina, Sitting by designation.

FIELD, Senior Circuit Judge:

Pursuant to 18 U.S.C. § 3731, the Government has appealed an order of the district court suppressing evidence obtained under a search warrant.

During an investigation of insurance fraud in personal injury claims arising from automobile accidents, the United States Attorney's office received information which implicated Felix S. Jacob, an attorney at law, in a scheme to submit fraudulent claims to certain insurance companies for the purpose of inflating out of court settlements. The defendant allegedly acted in concert with Dr. Julius Gluck and certain insurance adjusters to submit false medical bills to insurers, settle the claims for substantially higher amounts than otherwise could have been obtained, and retain that portion of the proceeds from the settlements which exceeded actual medical expenses.

On the basis of this information the Government submitted a proposed search warrant and supporting affidavit to the United States Magistrate who issued a warrant authorizing a search of the defendant's law offices. The warrant was executed on April 26, 1979, and evidence obtained during the search led to a one count information charging the defendant with making a false individual federal income tax return in violation of 26 U.S.C. § 7206(1).

Acting upon the defendant's motion, the district court ordered the suppression of all evidence obtained during the April 26, 1979 search. *United States v. Jacob*, 502 F. Supp. 1221 (D. Md. 1980). The basis of the suppression was the court's conclusion that the warrant was impermissibly general since, "on its face, * * * [it] purports to authorize the search for evidence of any federal crime as long as the evidence 'relates' to the persons or transactions identified in the warrant." *Id.*, at 1226.

The warrant authorized the seizure of financial records for the period January 1, 1972 through December 31,

1977, which related to claims for bodily injuries arising out of automobile accidents involving clients represented by the defendant and treated by Dr. Gluck, and clients represented by the defendant with claims against persons insured by three insurance companies and in which certain named adjusters represented the companies.[1] Under the warrant the executing officers were authorized to search for and seize:

> ledgers, journals, bank statements, checks, cancelled or otherwise, check vouchers, check stubs, checkbooks, deposit tickets, savings account books, for escrow account, regular account and any and all other checking and savings bank accounts, settlement sheets and other records of settlement for the time period January 1, 1972 through December 31, 1977, which relate to:
>
> 1. Clients who were represented by Felix S. Jacob and treated by Dr. Julius C. Gluck, in connection with claims for bodily injuries arising out of automobile accidents.
>
> 2. Clients who were represented by Felix S. Jacob in connection with claims for bodily injuries arising out of automobile accidents and which claims were made against persons insured by:
>
>   a. The Nationwide Mutual Insurance Company in which [X] acted as the adjuster for that company;
>
>   b. The Maryland Automobile Insurance Fund in which [Y] acted as the adjuster for that company; and
>
>   c. The Maryland Casualty Company in which [Z] acted as the adjuster for that company.
>
> which ledgers, journals, bank statements, checks, cancelled or otherwise, check vouchers, check stubs, checkbooks, deposit ticket , savings account books, for

[1] The names of the adjusters were ordered excised from the public record by the district court.

> escrow account, regular account and any and all other checking and savings bank accounts, settlement sheets and other records of settlement with respect to clients represented in connection with claims for bodily injury arising out of automobile accidents for the time period of January 1, 1972 through December 31, 1977, show or tend to show evidence of violations of federal criminal law including *but not limited to* mail fraud in violation of 18 U.S.C. § 1341. [Emphasis added].

It was the presence of the phrase "but not limited to" which troubled the district court. The court concluded that these four words destroyed the warrant's requisite specificity with respect to the crime or crimes for which it was issued. The court was of the opinion that in the light of this phraseology, the warrant failed to circumscribe the discretion of the executing officers with respect to the nature of their search, and also precluded meaningful review of the Magistrate's probable cause determination. Accordingly, the narrow issue before us is whether the phrase "but not limited to" in that part of the warrant which links the Magistrate's determination of probable cause with items to be seized destroyed the particularity of the warrant.

The Fourth Amendment's guarantee against unreasonable searches and seizures is, of course, in part implemented by the constitutional requirement that "no Warrants shall issue, but upon probable cause, * * * and particularly describing the * * * things to be seized." This standard seeks to prevent a "general, exploratory rummaging in a person's belongings", *Coolidge v. New Hampshire*, 403 U.S. 443, 467 (1971), by substituting the neutral discretion of the magistrate for that of the officer executing the warrant with respect to those items to be seized. *Marron v. United States*, 275 U.S. 192, 195-96 (1927).

In *Andresen v. Maryland*, 427 U.S. 463 (1976), the Supreme Court had occasion to consider whether warrants similar to the one here under consideration failed to

comply with the Fourth Amendment. The defendant in that case, an attorney under investigation for fraudulent real estate settlements, contended that language included in the warrants destroyed their otherwise specific nature by permitting the search and seizure of evidence of *any* crime. The warrants, issued for defendant's law offices, called for the seizure of:

> '[T]he following items pertaining to sale, purchase, settlement and conveyance of lot 13, block T. Potomac Woods subdivision, Montgomery County, Maryland.
>
> [various categories of documents]
>
> showing or tending to show a fraudulent intent, and/or knowledge as elements of the crime of false pretenses, in violation of Article 27, Section 140, of the Annotated Code of Maryland, 1957 Edition, as amended and revised, *together with other fruits, instrumentalities and evidence of crime at this [time] unknown.*'

Id., at 480 n. 10.

The defendant contended that the high-lighted language rendered the warrant "general". The Court rejected this argument, holding that the phrase should be read as authorizing only the search for and seizure of evidence relating to the crime of false pretenses:

> The challenged phrase is not a separate sentence. Instead, it appears in each warrant at the end of a sentence containing a lengthy list of specified and particular items to be seized, all pertaining to Lot 13T. We think it clear from the context that the term 'crime' in the warrants refers only to the crime of false pretenses with respect to the sale of Lot 13T. The 'other fruits' clause is one of a series that follows the colon after the word 'Maryland'. All clauses in the series are limited by what precedes that colon, namely, 'items pertaining to * * * lot 13, block T.' The warrants, accordingly, did not authorize the executing officers to conduct a search for evidence of other crimes but only to search for and seize evidence

> relevant to the crime of false pretenses and Lot 13T. (footnotes omitted)

Id., at 481-82.

The district court viewed *Andresen* as inapposite since it perceived that the language in the present warrant precluded a similar finding of specificity. We cannot agree with this restrictive reading of *Andresen*. The First Circuit has recently interpreted that case to mean that "the 'general' tail of the search warrant will be construed so as to not defeat the 'particularity' of the warrant." *United States v. Abrams*, 615 F.2d 541 (1980). In *Abrams* the Court stressed that "[b]usiness records, although they may contain evidence of fraud, do not fall into the category of stolen or contraband goods" and therefore a warrant authorizing their seizure must contain more than a description of categories in generic terms. The Court distinguished the "general" warrant before it from those approved in *Andresen* on the ground that there was a complete absence of particularity with respect to the items to be seized under the warrant. In our opinion it is this particularity which, if present, will not be defeated by ambiguous conclusionary language. While a sufficiently particular qualifying phrase may have the effect of bringing an otherwise "general" warrant within the constitutional standard, a defective qualifying phrase will not defeat a warrant which is otherwise sufficiently specific. *See Application of Lafayette Academy, Inc.*, 610 F.2d 1, 5 (1 Cir. 1979). We think this interpretation of *Andresen* is consistent with the standard of our circuit which seeks to avoid the suppression of evidence seized pursuant to a warrant because of "hypertechnical" errors.

> In contexts that do not involve First Amendment considerations, the test for the necessary particularity is a pragmatic one: 'The degree of specificity required when describing the goods to be seized may necessarily vary according to the circumstances and type of items involved * * *. [T]here is a practical margin of flexibility permitted by the constitutional require-

> ment for particularity in the description of items to be seized.' *United States v. Davis*, 542 F.2d 743. 745 (8 Cir. 1976).

United States v. Torch, 609 F.2d 1088, 1090 (1979); *United States v. Espinoza*, 641 F.2d 153, 165 (4 Cir. 1981).

Under the present warrant, the executing officers were authorized to seize a wide variety of financial records, but by its terms the warrant limited the scope of seizable documents to those involving defendant's clients who had been treated by Dr. Gluck and/or who made claims against certain insurance companies represented by named adjusters, and involving personal injury claims during a specified period of time. Taking into consideration the complexity of the alleged fraud and the fact that the warrant circumscribed the ambit of seizable documents by category and time, we think it was sufficiently particularized with respect to the items to be seized. We are further of the opinion that the challenged phrase should properly be treated as merely superfluous and falls within the "practical margin of flexibility" afforded warrants in cases of this type.[2] Accordingly, we hold that it was error for the district court to suppress all of the evidence obtained under the warrant.

---

[2] The Court in *Andresen* appears to have recognized this "margin of flexibility":

> Petitioner also suggests that the specific list of the documents to be seized constitutes a "general" warrant. We disagree. Under investigation was a complex real estate scheme whose existence could be proved only by piecing together many bits of evidence. Like a jigsaw puzzle, the whole "picture" of petitioner's false-pretense scheme with respect to Lot 13T could be shown only by placing in the proper place the many pieces of evidence that, taken singly, would show comparatively little. The complexity of an illegal scheme may not be used as a shield to avoid detection when the State has demonstrated probable cause to believe that a crime has been committed and probable cause to believe that evidence of this crime is in the suspect's possession.

427 U.S. at 480, footnote 10.

The conclusion of the district judge that the warrant was "general" made it unnecessary for him to reach the issue of whether the search by the agents exceeded the scope of the warrant. While the parties have treated this issue somewhat tangentially in their briefs, upon the record before us it would be impossible to make a determination on this issue. Accordingly, the case will be remanded in order that the district court may consider and determine the issue of the scope of the search. The suppression order is reversed and the case is remanded for further proceedings.

REVERSED AND REMANDED

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v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

REX E. LEE
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UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

Petitioner contends that a warrant to search his office was an impermissible general warrant.[1]

Petitioner waived indictment and was charged in an information returned in the United States District Court for the District of Maryland with subscribing to a false income tax return, in violation of 26 U.S.C. 7206(1). The district court suppressed documents seized from petitioner's office under a search warrant on the ground that the warrant lacked specificity and therefore constituted a general warrant violative of the Fourth Amendment. 502 F. Supp. 1221. The court of appeals reversed (Pet. Supp. App.).

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[1]Petitioner also presents (Pet. i) the manifestly frivolous contention that jeopardy attached at the commencement of the suppression hearing in his case, and that double jeopardy therefore barred the government's appeal to the court of appeals from the grant of his motion.

Petitioner contends (Pet. 5-7) that the court of appeals erred in reversing the district court's order suppressing the evidence. Whatever the merits of petitioner's contentions, they are not presently ripe for review by this Court. The court of appeals' decision places petitioner in precisely the same position he would have occupied if the district court had denied his motion to suppress the evidence. If petitioner is acquitted following a trial on the merits, his claims will be moot. If, on the other hand, petitioner is convicted, he will then be able to present these claims to this Court, together with any other claims he may have, in a petition for a writ of certiorari seeking review of a final judgment against him. Accordingly, review by this Court of the court of appeals' decision would be premature at this time. See, *e.g.*, *Brotherhood of Locomotive Firemen & Enginemen* v. *Bangor & Aroostook R.R.*, 389 U.S. 327 (1967); *American Construction Co.* v. *Jacksonville, Tampa & Key West Ry.*, 148 U.S. 372, 384-388 (1893); see *Hamilton Shoe Co.* v. *Wolf Brothers*, 240 U.S. 251, 257-258 (1916).[2]

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

REX E. LEE
Solicitor General

JANUARY 1982

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[2]Because this case is interlocutory, we are not responding on the merits to the question presented by the petition. We will file a response on the merits if the Court requests.